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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION

-and-

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
- ☐ Affects Pacific Gas and Electric Company
- ☒ Affects both Debtors

**All papers shall be filed in the Lead Case,
No. 19-30088 (DM)*

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

**RESPONSE BY THE OFFICIAL
COMMITTEE OF TORT CLAIMANTS
TO THE COURT'S ORDER RE
TELEPHONE DISCOVERY
CONFERENCE [DKT NO. 3235]**

Date: August 7, 2019
Time: 9:30 a.m. (Pacific Time)
Place: United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

The Official Committee of Tort Claimants (“TCC”) hereby responds to the Court’s Order Re Telephone Discovery Conference requesting the identification of outstanding discovery [Dkt. No. 3235] as follows. All **bolded entries** are documents requested for the purposes of claims estimation.

Outstanding Claims Estimation Documents Agreed by the Debtors to be Produced

No.	Documents Agreed by the Debtors to Be Produced	Date Requested	Days Outstanding from Date of Request
1	Settlement demands and settlement agreements from the 2015 Butte Fire and the 2010 San Bruno Explosion (Accepted foundation of estimating claims in mass tort bankruptcies (“Claims Estimation”). <i>In re Eagle-Picher Indus., Inc.</i> , 189 B.R. 681, 684 (Bankr. S.D. Ohio 1995), <i>as amended</i> (Dec. 14, 1995).)	6/27/19	35
2	All documents setting forth any allocation of settlement amounts to various categories of damages from the 2015 Butte Fire settlements. (Claims Estimation)	6/27/19	35
3	All documents used by the Debtors to estimate their potential losses on the 2010 San Bruno Explosion, the 2015 Butte Fire, the Ghost Ship fire, and the 2017 and 2018 Northern California Wildfires, including in their January 2019 8-K, February 2019 8-K and May 2019 10-Q. (Debtors’ admission of potential tort claims exposure (“Debtors’ Claims Estimation”))	6/27/19	35
4	All documents used by Jason Wells to support the statement in his January 2019 Declaration that PGE’s potential liability for the 2017 and 2018 wildfires could exceed \$30B. (Debtors’ Claims Estimation)	6/27/19	35
5	All documents setting forth the fines and penalties the Debtors incurred in connection with the 2015 Butte Fire and the 2017 and 2018 Northern California Wildfires. (Debtors’ Claims Estimation)	6/27/19	35

No.	Documents Agreed by the Debtors to Be Produced	Date Requested	Days Outstanding from Date of Request
6	All documents explaining the figures set forth in Debtors' January 2019 8-K, February 2019 8-K and May 2019 10-Q filings disclosing PG&E settled 2015 Butte Fire claims to date for \$900M. (Debtors' Claims Estimation)	6/27/19	35
7	All documents explaining the figures set forth in Debtors' January 2019 8-K, February 2019 8-K and May 2019 10-Q filings disclosing that the 2015 Butte Fire claims involved 549 residences, 2,000 households and 3,900 plaintiffs. (Debtors' Claims Estimation)	6/27/19	35
8	All documents produced to the SEC or documents detailing any meetings or proceedings with the SEC in connection with the SEC's investigation into "public disclosures and accounting for losses associated with the 2017 and 2018 Northern California wildfires and the 2015 Butte fire" disclosed in PGE's first quarter 2019 report. (Debtors' Claims Estimation)	6/27/19	35

Outstanding Documents Covered by the May 28, 2019 Order [Dkt. No. 2255]

No.	Documents Covered by the May 28, 2019 Order [Dkt. No. 2255]	Date Requested	Days Outstanding from Date of Request
9	All formal reports prepared by or at the request of any special litigation committee or committee of the Board of the Debtors, or any investigation or audit team including without limitation all formal audit committee reports on the Relevant Subjects and the wildfires that occurred during the 2017 and 2018 wildfire seasons. [Dkt. No. 2255 ¶ 5.]	3/8/19 ¹	146
10	All formal investigation reports prepared by the Debtors' counsel, auditors or investigators on the Relevant Subjects and the wildfires that occurred during the 2017 and 2018 wildfire seasons. [Dkt. No. 2255 ¶ 6]	3/8/19	146
11	All ratifications of the Company's officers' and directors' actions granted during the applicable period. [Dkt. No. 2255 ¶ 7]	3/8/19	146
12	Agreements between PG&E and third party contractors who worked on the Caribou-Palermo Line. [Dkt. Nos. 2255 ¶ 1 and 3205]	4/29/19	94
13	Agreements between PG&E and third party contractors who inspected the C-Hook on Tower 27/222. [Dkt. Nos. 2255 ¶ 1 and 3205]	4/29/19	94
14	Documents describing the scope of the third party contractors' services related to the Caribou-Palermo Line. [Dkt. Nos. 2255 ¶ 1 and 3205]	4/29/19	94
15	Documents describing the work performed by third party contractors on the Caribou-Palermo Line. [Dkt. Nos. 2255 ¶ 1 and 3205]	4/29/19	94
16	Documents containing the findings or work product of all third party contractors performing work on the Caribou-Palermo Line, including Risk Assessments. [Dkt. Nos. 2255 ¶ 1 and 3205]	4/29/19	94

¹ On July 30, 2019, the Debtors confirmed their production in response to the TCC's 32 management related discovery requests dated March 8, 2019 ("3/8/19 Request"). This list identifies the documents Debtors either agreed to produce or were ordered by the Court to produce in response to the 3/8/19 Request [Docket 2255] and for which no documents have been produced. The TCC has not completed its analysis of the Debtors' productions in response to the 3/8/19 Request and reserves the right to seek further relief of the Court if, upon completion of review, the TCC determines that the Debtors productions in response to the 3/8/19 Request is incomplete.

No.	Documents Covered by the May 28, 2019 Order [Dkt. No. 2255]	Date Requested	Days Outstanding from Date of Request
17	All insurance policies that provide coverage for claims arising from the work of third party contractors who performed work on the Caribou-Palermo Line. [Dkt. Nos. 2255 ¶ 1 and 3205]	4/29/19	94
18	Inspection reports relating to work performed on Tower 27/222 by third party contractors. [Dkt. Nos. 2255 ¶ 1 and 3205]	4/29/19	94
19	Each writing which documents any inspection performed of Tower 27/222 on the Caribou-Palermo Line. [Dkt. Nos. 2255 ¶ 1 and 3205]	4/29/19	94
20	Each writing which sets forth the result of any inspection performed on Tower 22/227 at any time from January 1, 2009 to and including April 24, 2019 by any third-party contractor performing work on the Caribou-Palermo Line. [Dkt. Nos. 2255 ¶ 1 and 3205]	4/29/19	94
21	Insurance policies or other proof of coverage provided by any third-party contractor that performed any Vegetation Management or Electrical Services for each of the Northern California Wildfires. [Dkt. Nos. 2255 ¶ 1 and 3205]	4/29/19	94
22	All audit committee directives to directors and officers directing them to take action or correct matters relating to dividends, wildfire claims, wildfire safety. [Dkt. No. 2504]	3/8/19	146
23	All notifications to insurers for claims threatened or asserted against Directors & Officers and the Debtors for the 2014-2019 policy periods, including notices and tenders of claims. [Dkt. No. 2504]	3/8/19	146
24	All reports that address misuse of funds or Company property by Company directors and officers. [Dkt. No. 2504]	3/8/19	146
25	Any non-public report that summarizes trades of the Company's stock during the applicable period by the Company's directors or officers. [Dkt. No. 2504]	3/8/19	146

Outstanding Documents Covered by the June 12, 2019 Order [Dkt. No. 2504]

No.	Documents Covered by the June 12, 2019 Order [Dkt. No. 2504]	Date Requested and Date Ordered	Days Outstanding from Date of Request
26	All Punitive Damage Liability Policies for 2015 [Dkt. No. 2504]	6/7/19	55
27	All Errors & Omissions Policies for 2015-2019 [Dkt. No. 2504]	6/7/19	55
28	All Property Insurance Policies for 2015-2019 [Dkt. No. 2504]	6/7/19	55
29	All Environmental Insurance Policies for 2015-2019 [Dkt. No. 2504]	6/7/19	55
30	All Products Liability Policies for 2015-2019 [Dkt. No. 2504]	6/7/19	55
31	All Fiduciary Liability Policies for 2015-2019 [Dkt. No. 2504]	6/7/19	55
32	PG&E 2015-16 General Liability Policy: Ace Bermuda Ins. Ltd., Policy No. PCG-1035/5 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
33	PG&E 2015-16 General Liability Policy: AIG Excess Limited, Policy No. 26157606 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
34	PG&E 2015-16 General Liability Policy: AIG Excess Limited (formerly Starr Excess), Policy No. 200682 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
35	PG&E 2015-16 General Liability Policy: Apollo Consortium, Policy No. 15NL5257490 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
36	PG&E 2015-16 General Liability Policy: Argo Re, Policy No. ARGO-CAS-OR-000398 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
37	PG&E 2015-16 General Liability Policy: Argo Re Limited, Policy No. ARGO-CAS-OR-000594 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
38	PG&E 2015-16 General Liability Policy: Argo Re Limited, Policy No. ARGO-CAS-OR-000106 (full policy not produced) [Dkt. No. 2504]	6/7/19	55

No.	Documents Covered by the June 12, 2019 Order [Dkt. No. 2504]	Date Requested and Date Ordered	Days Outstanding from Date of Request
39	PG&E 2015-16 General Liability Policy: Argo Re Limited, Policy No. ARGO-CAS-OR-000690 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
40	PG&E 2015-16 General Liability Policy: AW AC, Policy No. C015037 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
41	PG&E 2015-16 General Liability Policy: Canopus Bermuda, Policy No. PGE-005/004 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
42	PG&E 2015-16 General Liability Policy: Iron Starr, Policy No. 1S0000624 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
43	PG&E 2015-16 General Liability Policy: Iron Starr, Policy No. 0000050-00 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
44	PG&E 2015-16 General Liability Policy: Iron Starr, Policy No. IS0001954 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
45	PG&E 2015-16 General Liability Policy: Markel Bermuda Ltd. (MaxBermuda), Policy No. 29692-3176-UMB-2009 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
46	PG&E 2015-16 General Liability Policy: OCIL, Policy No. U920021-0804 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
47	PG&E 2016-2017 General Liability Policy: Canopus, Policy No. PGE-005/00 [Dkt. No. 2504]	6/7/19	55
48	PG&E 2016-17 General Liability Policy: Argo Re, Policy No. ARGO-CAS-OR-000398 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
49	PG&E 2016-17 General Liability Policy: Argo Re, Policy No. ARGO-CAS-OR-000594 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
50	PG&E 2016-17 General Liability Policy: Liberty, Policy No. DL473806 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
51	PG&E 2016-17 General Liability Policy: Apollo Consortium, Policy No. DL638514 (full policy not produced) [Dkt. No. 2504]	6/7/19	55

No.	Documents Covered by the June 12, 2019 Order [Dkt. No. 2504]	Date Requested and Date Ordered	Days Outstanding from Date of Request
52	PG&E 2016-17 General Liability Policy: Munich Re, Policy No. EI291315 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
53	PG&E 2016-17 General Liability Policy: AXIS US, Policy No. EAU742127/01/2015 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
54	PG&E 2016-17 General Liability Policy: Argo Re, Policy No. ARGO-CAS-OR-000106 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
55	PG&E 2016-17 General Liability Policy: Argo Re, Policy No. ARGO-CAS-OR-000690 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
56	PG&E 2016-17 General Liability Policy: Iron Starr Excess Agency Ltd., Policy No. IS0002821 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
57	PG&E 2016-17 Punitive Liability Policy: Mana Carta Insurance, Ltd, Policy No. MCPD203305 [Dkt. No. 2504]	6/7/19	55
58	PG&E 2016-17 Punitive Liability Policy: Mana Carta Insurance, Ltd, Policy No. MCPD203306 [Dkt. No. 2504]	6/7/19	55
59	PG&E 2016-17 Punitive Liability Policy: Mana Carta Insurance, Ltd, Policy No. MCPD203309 [Dkt. No. 2504]	6/7/19	55
60	PG&E 2017-2018 General Liability Policy: American International Reinsurance, Policy No. 200682 [Dkt. No. 2504]	6/7/19	55
61	PG&E 2017-2018 General Liability Policy: Allied World Assurance Company Ltd, Policy No. C015037 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
62	PG&E 2017-2018 General Liability Policy: Argo Re, Policy No. ARGO-CAS-OR-000398 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
63	PG&E 2017-2018 General Liability Policy: Apollo (Lloyds), Policy No. B0509BOWCN1500003 (full policy not produced) [Dkt. No. 2504]	6/7/19	55

No.	Documents Covered by the June 12, 2019 Order [Dkt. No. 2504]	Date Requested and Date Ordered	Days Outstanding from Date of Request
64	PG&E 2017-2018 General Liability Policy: Iron Starr Excess Agency Ltd., Policy No. IS0002821 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
65	PG&E 2017-2018 General Liability Policy: OCIL, Policy No. U920021-0804 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
66	PG&E 2018-2019 General Liability Policy: Apollo (Lloyds), Policy No. PL 1800075 [Dkt. No. 2504]	6/7/19	55
67	PG&E 2018-2019 General Liability Policy: Inter Hannover (Lloyds), Policy No. BOWCN1500033 (full policy not produced) [Dkt. No. 2504]	6/7/19	55
68	PG&E 2018-2019 General Liability Policy: Allianz Global Corporate & Specialty SE, Policy No. PL1800076 (full policy not produced) [Dkt. No. 2504]	6/7/19	55

Other Outstanding Documents Agreed by the Debtors to be Produced

No.	Documents Agreed by the Debtors to Be Produced	Date Requested	Days Outstanding from Date of Request
69	All PG&E Director & Officer Liability Policies for 2014-15. (The TCC desires assignment of Debtors' litigation assets to tort resolution trust under plan, <i>i.e.</i> , the pot. Documents necessary to value litigation asset ("Assigned Asset").)	3/5/19	149
70	All PG&E Director & Officer Liability Policies for 2016-17 (Assigned Asset)	3/5/19	149

Dated: August 1, 2019

BAKER & HOSTETLER LLP

By: /s/ Robert A. Julian
Robert A. Julian

Counsel to the Official Committee of Tort Claimants